

EXHIBIT C

IN THE CIRCUIT COURT FOR BALTIMORE CITY

STATE OF MARYLAND *

V. *

ROBERT JOHNSON * CASE NO. 114280004

DEFENDANT *

* * * * *

JOINT MOTION TO WITHDRAW PLEA OF GUILTY

To the Honorable Charles J. Peters, Judge in Charge of the Criminal Division of the Circuit Court for Baltimore City:

Now come the State, by Marilyn J. Mosby, State's Attorney for Baltimore City and Antonio Gioia, Chief Counsel, Baltimore City State's Attorney's Office, and Defendant, Robert Johnson, by his attorney, Jill Trivas, Assistant Public Defender for Baltimore City, and respectfully represent the following.

1. That on August 27, 2014, Robert Johnson, Defendant, was arrested in the 5700 block of Radecke Avenue by members of the Baltimore Police Department's Gun Trace Task Force on the charge of possession of a regulated firearm by a prohibited person and other related offenses. Detectives Momodu Gondo and Jemell Rayam were material witnesses in the events leading to Defendant's arrest.
2. On November 18, 2014, Defendant appeared before this Honorable Court and entered a plea of guilty to count one of case number 114280004, charging that Defendant did possess a regulated firearm after having been convicted of a felony drug trafficking offense in violation of section 5-133(c) of the Public Safety Article of the Maryland Code. Following acceptance of the guilty plea, pursuant to a "wired" plea agreement, the Court sentenced Defendant to five years without parole to the Division of Correction dating from August 27, 2014.¹
3. On March 1, 2017, federal agents arrested seven members of the Baltimore Police Department's Gun Trace Task Force; including the officers named in paragraph one, for alleged conduct undertaken under color of authority as sworn officers of the Baltimore Police Department. Those officers are currently charged with engaging in a racketeering

¹ On November 18, 2014, this Honorable Court also accepted Defendant's admission to a "rule 4 violation" of probation in case number 114087006. The guilty plea in case number 114280004 formed the basis for the admission. The Court sentenced Defendant to a concurrent term of five years incarceration.

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the Baltimore Police Department. Those officers are currently charged with engaging in a racketeering conspiracy and racketeering offenses, including robbery, extortion, and overtime fraud. Said alleged conduct occurred during the time period set forth in the federal indictment.

4. That on October 10, 2017, Detective Jemell Rayam pled guilty in the United States District Court for the District of Maryland, Northern Division, to conspiracy to engage in racketeering activity in violation of 18 U.S.C. 1962(d). Sentencing was deferred.
5. That on October 12, 2017, Detective Momodu Gondo pled guilty in the United States District Court for the District of Maryland, Northern Division, to conspiracy to engage in racketeering activity in violation of 18 U.S.C. 1962(d) and conspiracy to distribute and possess with the intent to distribute 100 grams or more of heroin. Sentencing was deferred.
6. That Maryland Rule 1-204(a) provides in pertinent part, "When these rules or an order of court require or allow an act to be done at or within a specified time, the court, on motion of any party and for cause shown, may (3) on motion filed after the expiration of the specified period, permit the act to be done if the failure to act was the result of excusable neglect."
7. That both the State and the Defense first became aware of the alleged misconduct set forth in the federal indictment on March 1, 2017. That the failure of counsel for Defendant to timely file a motion to withdraw Defendant's plea of guilty pursuant to Maryland Rule 4-242(h) readily satisfies the "excusable neglect" standard under Maryland Rule 1-204(a)(3) as the alleged misconduct occurred well after the time prescribed in which to file said motion.

WHEREFORE, the parties joint pray,

- A. That this Honorable Court pass an order pursuant to Maryland Rule 4-204(a)(3) permitting Defendant to extend time to file a motion to withdraw his plea of guilty plea pursuant to Maryland Rule 4-242(h).
- B. And for such other and further relief as the law may require.

Respectfully submitted,

Marilyn J. Mosby
State's Attorney for Baltimore City

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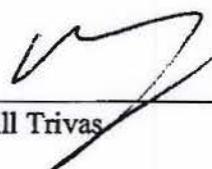
Counsel for Defendant

Statement of Authorities

Maryland Rule 1-204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition was mailed/hand-delivered to: Office of the State's Attorney for Baltimore City at 120 E. Baltimore St., Baltimore, Maryland 21202, on this 13th day of December 2017.


Jill Trivas